

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11382 of 2020

Arising Out of PS. Case No.-761 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. Niranjana Yadav @ Niranjana Kumar son of Late Rajendra Yadav Resident of Village- Pachauta, P.S.- Lakhisarai, District- Lakhisarai.
2. Kundan Kumar son of Surendra Yadav Resident of Village- Pachauta, P.S.- Lakhisarai, District- Lakhisarai.
3. Karu Yadav son of Shanichar Yadav Resident of Village- Pachauta, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioners,

the informant and the State.

The petitioners seek bail in connection with Lakhisarai P.S. Case No. 761 of 2019 instituted for the offences under Sections 302, 201, 34 of the Indian Penal Code.

The petitioners have been named in the F.I.R but only on the basis of suspicion. The narrative in the F.I.R is that the grand son of the informant, while playing in the house of co-accused Surendra Yadav went



missing. For about one day, no whereabouts of the missing child could be known.

The suspicion on the family of Surendra Yadav was raised by the informant for the reason that sometimes before, one of the sons of Surendra Yadav viz. Chandan Yadav had abandoned his wife, which act was opposed by the informant and others and which left the family of Surendra Yadav smarting under annoyance.

It is on the basis of the aforesaid earlier happening that a suspicion has been raised on Surendra Yadav and his son Chandan Yadav.

While the boy was being searched along with other members of the family of the informant and also with the help of police, the petitioners are said to have recovered the boy from inside the drain which is located in between the houses of the informant and aforesaid Surendra Yadav.

The petitioners are stated to be the family members of Surendra Yadav but no definite relationship



has been stated by learned counsel for the informant.

The arguments raised on behalf of the petitioners is that but for suspicion, there is no material to warrants prosecution of the petitioners.

On the contrary, learned counsel for the informant submits that the suspicion has concretized into reality in view of the fact that dead body has been recovered from the drain which is attached to the house of Surendra Yadav and the petitioners are non-else but those persons who recovered the dead body from inside the drain.

In response to the aforesaid submission, learned counsel for the petitioners has argued that if at all the petitioners had any idea about the presence of the deceased inside the drain and if they had conspired to kill the deceased, it would be absolutely naive to expect that those persons (petitioners) would self incriminate themselves by recovering the dead body. In fact, in the process of search, a dead body of a young



child was recovered with the help of these petitioners.

What strikes this Court in the first instance is that this could not have been an accidental fall of the deceased in the drain. Admittedly, it is not an open drain. With the slab over the drain, it is quite probable that the deceased was killed and then his dead body was concealed.

However, in the absence of any material on record as to who committed the crime and whether it would be safe to point an accusing finger on those persons who were searching the boy along with the informant and the police is a question which requires a re-think.

In any view of the matter, the reason for the family of Surendra Yadav to nurse a grudge against the family of the informant is also too bleak to be lent complete credence to.

Thus, taking a holistic view of the matter, the petitioners who are only suspected of having committed



the crime but have helped in the recovery of the child by taking the dead body out from the drain and taking into account that they are in custody since 17.10.2019 and that they do not have any specific animus against the informant, they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousands) each with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 761 of 2019.

Shageer/-

(Ashutosh Kumar, J)

U		T	
---	--	---	--

